

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
J & J SPORTS PRODUCTIONS, INC., as Broadcast  
Licensee of the May 6, 2006 DeLaHoya/Mayorga Program,

Plaintiff,

**MEMORANDUM & ORDER**

06-CV-6840 (NGG) (RML)

-against-

MARTHA GUZMAN,<sup>1</sup> et al.,

Defendants.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

On May 8, 2007, this court granted Plaintiff J & J Sports Productions, Inc.’s motion for default judgment and referred the matter to Magistrate Judge Robert M. Levy for a Report and Recommendation (“R&R”) with regard to the scope of relief, including damages, costs, and attorney’s fees, owed to Plaintiff. (Docket Entry #15). On February 8, 2008, Judge Levy recommended that Plaintiff be awarded \$5,495.00 in damages and \$450.00 in costs pursuant to 47 U.S.C. § 605. (Docket Entry # 18.) Judge Levy advised the parties that “[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Garaufis and to my chambers, within ten (10) business days. Failure to file objections within the specified time period waives the right to appeal the district court’s order.” (R&R at 8.)

Under Fed. R. Civ. P. 72(b), a party may object to a magistrate judge’s report and recommendation by serving and filing “specific written objections.” Where a party receives clear notice of the consequences, as did Defendants, “failure timely to object to a magistrate’s report

---

<sup>1</sup> On February 15, 2007, defendant Martha Guzman was dismissed from the case with prejudice.

and recommendation operates as a waiver of further judicial review of the magistrate's decision."<sup>2</sup> Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002). In this case, nearly two months have passed since Judge Levy issued his R&R, and Defendants have not filed objections.

Therefore, the court adopts Judge Levy's R&R in its entirety. Plaintiff is awarded \$5,495.00 in damages and \$450.00 in costs. The Clerk of Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: April 4, 2008  
Brooklyn, N.Y.

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge

---

<sup>2</sup> Out of an abundance of caution, the court has reviewed the Report and Recommendation, and finds it thorough, well-reasoned, and well-founded in applicable law. See Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record").